

TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



Project Name: WALZ SHORT PLAT

Case Number: PLD2009-00006; SEP2009-00009

Location: 24721 NE 50th Avenue

Request: The applicant is requesting to short plat 12.36 acres into two single-family residential lots with an existing home on each lot located in the R-5 zone district.

Applicant: Moss & Associates, Inc.
Byron Woltersdorf, P.E.
717 NE 61st Street, Suite 202
Vancouver, WA 98665
(360)260-9400 ext. 24; (360)260-3509 fax
byron@mossandassociates.net

Contact Person: Same as applicant

Property Owner: Cyril & Ruth Walz
24721 NE 50th Avenue
Ridgefield, WA 98642

DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: ATG **Date Issued:** May 6, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Team Leader:	Travis Goddard	4180	Travis.goddard@clark.wa.gov
Planner:	Terri Brooks	4885	Terri.brooks@clark.wa.gov

Habitat Biologist:	Dave Howe	4598	David.Howe@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	Brent.Davis@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineer (Trans. & Stormwater):	Brad Hazen	4346	Brad.hazen@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: Rural-5

Parcel Number(s): Tax lot 14 (227611-000) located in the Southwest quarter of Section 30, Township 4 North, Range 2 East of the Willamette Meridian

Applicable Laws:

Clark County Code: Title 14 (Buildings and Structures), 15.12 (Fire Code); 40.4 (Critical Areas), 40.350 (Transportation & Circulation); 40.210 (Rural and Resource Residential Zoning Districts), 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.4 (Critical Areas), 40.5 (Procedures); 40.550 (Modifications and Variances), 40.510.020 (Type II Process); 40.530 (Nonconforming Uses and Structures), 40.540.030 (Short Plats); 40.570 (SEPA), Section 40.350.020 (Transportation Concurrence), 40.610 & 40.620 (Impact Fees); Title 24 (Public Health), RCW 58.17 (State Platting Laws) and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

Daybreak Neighborhood Association
Sam & Julia Richard, Co-Presidents
25604 NE Manley Road, Battle Ground, WA 98604
666-8604

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 22, 2009. The pre-application was determined not contingently vested.

The fully complete application was submitted on February 12, 2009 and determined to be fully complete on February 18, 2009. Given these facts, the application is vested on February 12, 2009.

There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on February 18, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on May 7, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Daybreak Neighborhood Association and property owners within 500 feet of the site on February 26, 2009.

Public Comments:

Comments were received from this proposal from the Department of Ecology (DOE and Southwest Clean Air Agency (SWCAA).

DOE commented about recycling all possible portions when the old home is demolished. They noted state law about water quality and erosion control requirements and suggestions about how to provide some of the erosion control. They also noted state law regarding water wells.

Staff Response: The applicant and property owner received a copy of the letter are separately responsible for meeting the requirements of state law. Until and unless another home is proposed on the property there will be little ground disturbance because the only ground disturbance is for three or four turnouts on the one long driveway. The County's erosion control ordinance is required to be followed and it is inspected by the County during construction. The Clark County Public Health Department must approve the use of any or proposed water wells prior to approval of the final plat.

SWCA commented on the possible demolition of the old home on the property and the requirements for asbestos abatement.

Staff Response: When and if they demolish the old house a demolition permit is required from the Clark County Building Department. That permit requires that they contact the SWCAA prior to demolition.

Project Overview

The site is located at 24721 NE 50th Avenue on the east side of NE 50th avenue about halfway between NE 2329th and NE 259th Streets. There are two homes on the site, one located about 40 feet of the road in the northwest corner of the site and the other

located near the back of the site to the east. The site is in current use taxation for timberland and is mostly forested now. There is a stream that is located in the eastern third of the parcel, west of the existing home. A building envelope that will buffer the creek for a distance of 200 feet on each side is proposed to ensure no additional encroachment in the riparian habitat occurs. The existing house is within the 200 foot buffer however additional disturbance is not allowed.

The applicants propose to divide the property into two residential lots of 6.01 acres and 6.17 acres. Both existing homes are proposed to remain.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	R-5	R-5	Residential and timberland
North	R-5	R-5	Residential and timberland
East	AG-20	AG-20	Residential and timberland
South	R-5	R-5	Residential and timberland
West	R-5	R-5	Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:**Finding #1**

The site is zoned R-5 and single family residences are a permitted use in the zone. The project proposes each lot to be at least 5 acres. The R-5 zone district also requires a 140 foot lot width which both of the lots meet. There is no lot depth requirement. (See Condition #D-1)

Finding #2

An adjacent property owner has constructed a building over the property line into this property. This matter is being reviewed through Clark County Code Enforcement but does raise questions where the house in the short plat will end up if a boundary line adjustment is done. If they adjust the short plat lot so that the building meets setbacks it appears that the whole width of the lot in that area will go to the neighbor. As advised by legal counsel, this encroachment will need to be resolved prior to final plat approval. (See Condition #D-16)

Finding #3

The applicant's SEPA checklist infers that they plan to build a second permanent home on lot 1. However, in this zone only a temporary structure can be placed for as a second dwelling for a hardship. CCC 40.260.210, B,.1 c states "The temporary dwelling shall be a temporary structure such as a mobile home designed, constructed and maintained in a manner which will facilitate its removal at such time as the justifying hardship or need no longer exists".

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

HABITAT:**Finding 1**

A Department of Natural Resources (DNR) type F (fish-bearing) stream flows through portions of the property. According to Title 40.440.010(C)(1)(a), a DNR type F watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 200' horizontally outward from the ordinary high water mark.

Finding 2

That applicant has proposed building envelopes that are outside of the riparian HCZ on the site. The proposed building envelopes comply with the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance. (See Condition #D-3)

Conclusion (Habitat):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the habitat requirements of the Clark County Code.

WETLAND:

The site contains wetlands, but the proposed plat shows development envelopes that appear to avoid the wetland and buffer areas. (See Conditions #D-2, D-15-g and D-15-h)

Conclusion (Wetlands):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the habitat requirements of the Clark County Code.

GEO-HAZARD:**Finding 1- Applicability:**

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The provisions of CCC 40.430 therefore apply to this development.

Finding 2 – Geologic Hazard Issues

Staff asked the applicant to identify geohazard setbacks on the plan. This is for the purpose of notifying anyone who wants to develop on a lot within the plat at some time in the future.

New construction is subject to the Geohazard Area Ordinance, CCC 40.430. Any construction activity on lot #1 requires an engineer, who is proficient in engineering, identify the locations of geohazard areas defined by code and identify where the associated required development setbacks are located. All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. A detailed geotechnical engineering report shall be reviewed and approved by the county if development activities are in or within 100 feet of a geohazard area. (See Conditions D-15-i and E-3)

Conclusion (Geologic Hazard Area): Based upon the development site characteristics, the proposed geotechnical plan, the requirements of the County's geologic hazard area ordinance, and findings above, staff concludes that the proposed preliminary geotechnical engineering plan, is feasible subject to the plat note. Therefore, the requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION:**Finding 1 - Driveways**

NE 50th Avenue is classified as a Rural Minor Collector roadway. This roadway is controlled by the number of driveways that can access NE 50th Ave and controlled by driveway spacing.

Due to the fact that both of these driveways are existing there is not a nexus to relocate or close one of the driveways. There is a nexus to obtain sight distance and to pave back both driveways per County standard.

Finding 2 - Sight Distance

The sight distance required at both driveways onto NE 50th Avenue shall be at least 500 feet to the north and south measured 15 feet back of the edge of travel way. (See Condition D-4)

Finding 3 - Driveway Pave Back

Clark County code requires rural driveways to be paved back a min 20 feet from the edge of roadway or to the right of way line whichever is greater by 12 to 35 feet in width. (See Condition D-5)

Finding 4 - Driveway Turnouts

Driveway turnouts shall be spaced no greater than 500 feet per standard detail number 33. (See Condition D-6)

Finding 5 - Joint Driveway Easement

Minimum 20 foot wide joint driveway easement for lot 1 and 2 shall be established over lot 1 and parcel # 227717-000 to NE 50th Avenue for legal access to lots 1 and 2. (See Condition D-7)

Conclusion (Transportation):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding #1 – Applicability

The newly created lot is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5000 square feet of new impervious surface are exempt from CCC 40.380.040(B) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate road runoff may be deducted from area calculations. It appears that there will be over 5,000 square feet of new impervious area for this lot will be created therefore CCC 40.380.040(B) and CCC 40.380.040(C) could apply.

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan. Note: if a licensed Civil engineer or Surveyor certifies that at time of building permit application that the 5,000 square foot of total new impervious area is not achieved with the application then a stormwater plan is not warranted for that lot. (See Conditions # E-1 and F-1)

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:**Finding 1 – Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition #E-2)

Finding 3 – Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space. (See Condition #D-15-f)

Finding 4 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Condition #D-12)

Finding 5 - Fire Apparatus Turnarounds

All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Condition #D-6)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:**Finding #1**

The use of water wells and septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and determined that the existing/proposed wells and

septic systems are feasible, subject to conditions of approval. The existing septic system serving the older home near the road may need to be replaced if verification from the Health Department is not satisfactory for the system. This needs to be verified prior to final plat approval. (See Conditions #D-10 and D-11)

Finding #2

Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording. (See Condition #D-9)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding #1 Impact Fees

Because each lot already has a home on it, impact fees do not apply to the proposal.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on February 26, 2009 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$203**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Terri Brooks, Planner, (360) 397-2375, ext. 4180
Travis Goddard, Team Leader, (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed plan (identified as Exhibit 2), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction Review for Land Division Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 None

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 None

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

C-1 None

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Both lots shall be a minimum of 5 acres gross and a lot width of 140 feet. (See Land Use Finding #1)

D-2 Wetlands:

- a. The wetland and buffer boundaries shall be delineated on the face of the Final Plat. (See Wetland Finding # 1)
- b. A conservation covenant shall be submitted for recording with the County Auditor that runs with the land and requires that the wetlands and buffers remain in their natural state. (See Wetland Finding #1)

D-3 The applicant shall clearly show building envelopes and habitat areas on the face of the final plat. Any revisions to the proposed building envelopes will require additional review. (See Habitat Finding #1)

D-4 The existing driveway near the northern and southern property line shall comply with 500 feet of sight distance measured 15 feet back of travel lane per Clark County Road Standards. The applicants engineer shall certify that sight distance has been achieved prior to recording of the plat. (See Transportation Finding #2)

- D-5** The applicant shall pave the northern and southern driveway a min 20 feet from the edge of roadway or to the right of way line whichever is greater by 12 to 35 feet in width prior to recording of the plat. (See Transportation Finding #3)
- D-6** Driveway turnouts shall be spaced no greater than 500 per standard detail number 33. The applicant shall construct the turnouts per standard detail number 33 no greater than 500 feet prior to recording of the plat. Prior to construction, demarcation of wetland and/or buffer boundaries shall be established and approved by Clark County. (See Transportation Finding #4 and Fire Protection Finding #5)
- D-7** Minimum 20 foot wide joint driveway easement for lot 1 and 2 shall be established over lot 1 and parcel # 227717-000 to NE 50th Avenue. (See Transportation Finding #5)
- D-8** Excavation and Grading - Excavation/grading shall be performed in compliance with CCC 14.07.
- D-9** **Health Department Signature Requirement** - The Health Department is required to sign the final plat. (See Water and Sewer Service Finding #2)
- D-10** **Abandonment of On-Site Water Wells and Sewage Systems** – The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.
- D-11** **On-Site Water Wells and Sewage System Requirements** - For on-site water wells and sewage system, the following requirements shall be completed:
- a. Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;
 - b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
 - c. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
 - d. Each on-site sewage system shall be on the same lot it serves;
 - e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
 - f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
 - g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
 - h. A copy of the County approved final drainage plan shall be submitted for review; and,
 - i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire,

subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

D-12 Fire Marshal Requirements:

- a. Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding #4)

D-13 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Land Near Agricultural, Forest or Mineral Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage;

D-14 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-15 Plat Notes - The following notes shall be placed on the final plat:

- a. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- b. Building Envelope Note: If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an additional archaeological predetermination survey will be required for the area impacted.
- c. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All

sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."

- d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, and water services."
- e. Any demolition of structures shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and obtain a Clark County demolition permit.
- f. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space
- g. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to Conservation Covenant (Ref # _____) recorded with the Clark County Auditor for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."
- h. Wetland Development Envelopes: "No clearing or development activities shall occur outside the development envelopes shown on the face of this plat unless the activities are exempt from, or approved under, the provisions of the Clark County Wetland Protection Ordinance (CCC 40.450). Other building setbacks may apply within the development envelopes"
- i. Geologic Hazard Areas: "Construction activity on Lot 2 requires an engineer, who is proficient in engineering, identify the locations of geohazard areas defined by code and identify where the associated required development setbacks are located. All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. A detailed geotechnical engineering report shall be reviewed and approved by the county if development activities are in or within 100 feet of a geohazard area." (See Geo-Hazard Finding 2)

D-16 The building encroachment shall be resolved in one of the following three ways:

1. The applicant can give the property to the neighboring property.
2. Record a document signed by the other property owners stating that they realize it is not their property and will not attempt to take that property through an adverse possession claim.

3. If the neighbor will not accept a quit claim and will not sign an agreement to relinquish any claim, the final plat may show the gross area (to the deed line) and show the net area (to the encroached area) with the provision that the net area will meet minimum lot size and dimensions in the event of loss of the disputed area. This option should be of last resort and only after the other options fail.

(See Land Use Finding #2)

E Building Permits

Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

E-1 Stormwater:

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system for lot 1 only, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan. Note: if a licensed Civil engineer or Surveyor certifies that at time of building permit application that the 5,000 square foot of total new impervious area is not achieved with the application then a stormwater plan is not warranted for that lot. Prior to construction, demarcation of wetland and/or buffer boundaries shall be established and approved by Clark County. (See Stormwater Finding #1)

- E-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding #2)

- E-3 Geologic Hazard Areas:** "Construction activity on Lot 2 requires an engineer, who is proficient in engineering, identify the locations of geohazard areas defined by code and identify where the associated required development setbacks are located. All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. A detailed geotechnical engineering report shall be reviewed and approved by the county if development activities are in or within 100 feet of a geohazard area." (See Geo-Hazard Finding 2)

F Occupancy Permits

Review & Approval Authority: Building

Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1** The stormwater system as described in condition of approval #E-1 shall be constructed and approval from Clark County obtained.

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 Building and Fire Safety

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on May 6, 2009. Therefore any appeal must be received in this office by May 20, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,166**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

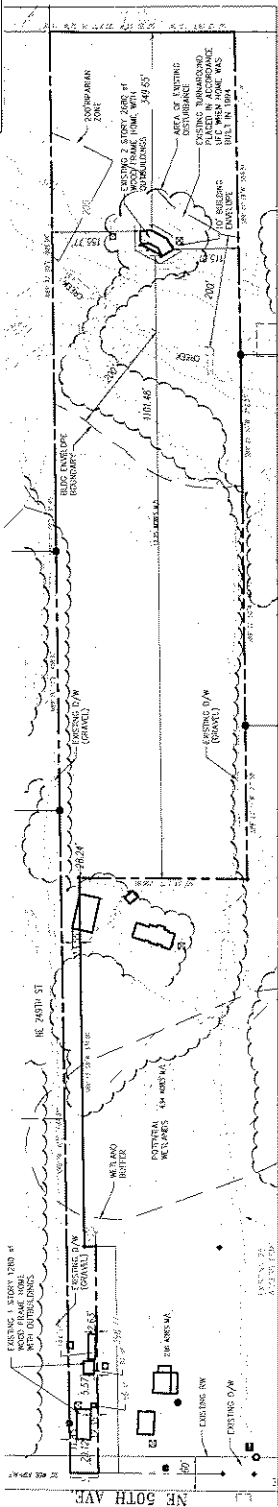
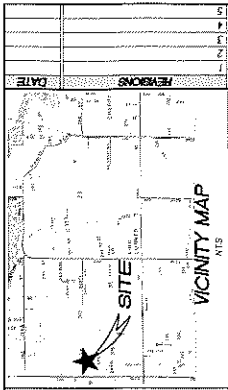
A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

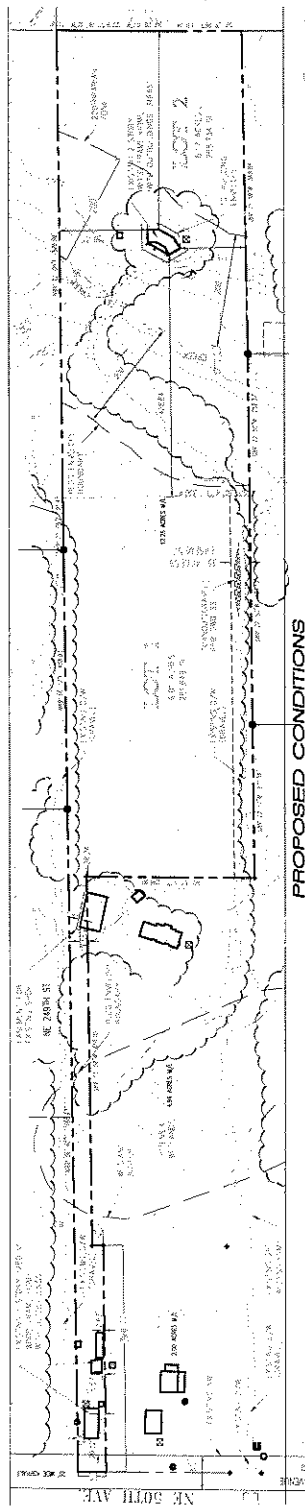
A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

WALZ SHORT PLAT

TAX LOT PARCEL #227611-000
SW 1/4, SECTION 30, T4N, R2E, W.M.,
IN CLARK COUNTY, WASHINGTON.



EXISTING CONDITIONS



PROPOSED CONDITIONS

LEGEND

STORM WATER

APPLICANT:

PROJECT INFORMATION:

OWNER:

CRITICAL AREAS:

*INFORMATION SHOWN IS APPROXIMATE IN LOCATION AND IS
BASED ON DATA AVAILABLE THROUGH CLARK COUNTY GIS
DATABASE. BOUNDARY AND LOCATION OF STRUCTURES AND
DRIVEWAYS ARE BASED ON SURVEY PROVIDED BY DEAN
SURVEYING, INC.

WALZ SHORT PLAT
PRELIMINARY
PLAT

DESIGNED BY: DATE: 12/18/08
PROJECT NUMBER: 1213
CHECKED BY: DATE: 12/18/08
DRAWN BY: DATE: 12/18/08
717 NE 81ST STREET, SUITE 202
VANAVUE, WA 98065
P (360) 280-9400
F (360) 280-9509
www.mossandassociates.net

MOSS & ASSOCIATES
SHEET 1 OF 1

